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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,064	03/01/2002	Masanori Katayanagi	000449.00011	9142
22907	7590	02/10/2006	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			NGUYEN, THUAN T	
		ART UNIT	PAPER NUMBER	
			2685	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/085,064	KATAYANAGI, MASANORI
	Examiner THUAN T. NGUYEN	Art Unit 2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34,37 and 38 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

## **DETAILED ACTION**

### ***Remark***

1. Claims 35-36 were canceled, and new claims 37-38 are added.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-34 and 37-38 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 1-4, 6-10, 12-16, 18-21, 23-34, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segal (U.S. Patent Pub 2001/0000505 A1) in view of Bork et al. (US Patent 6,954,657 B2).

Regarding claim 1, Segal discloses “a communication apparatus having a first portion, a second portion and a vibrator, the communication apparatus comprising: a first detector configured to detect an operation to at least partially separate the first portion from the second portion; a second detector configured to detect a missed event in the

apparatus; and a controller coupled to the first and second detectors and configured to activate the vibrator responsive to the first detector detecting the operation if the second detector has detected the missed event”, i.e., a flip cell phone comprising a first portion and a second portion (Figs. 6-7) including a detecting means for operation as the user opens or separate the first portion and the second portion, and with an inside paging circuitry for detecting a missed event of the apparatus, i.e., a missed call or unanswered call, an alert or notification is provided to the user either in audible or vibrating according to the setting up from the user for the controller of the apparatus (page 9, sections 0116 to 0118 and page 15, sections 0182 to 0184).

Applicant argues that Segal does not provide a second detector for detecting a missed event and activating a vibrator; however, Bork teaches this same technique as Bork provides a second detector for detecting a missed event, i.e., a missed call, and the device activates the vibrator due to this missed event (Figs. 1a & 1b, and col. 2/line 66 to col. 3/line 8 & col. 4/line 53 to col. 5/line 4 as missed calls are notified to the user in the vibration mode). Therefore, it would have been obvious to one of ordinary skill in the art to modify Segal’s system with Bork’s teaching technique in detecting or monitoring the receiving circuitry for a missed call, the vibrator is activated for the missed call in addition to other audio alerts for incoming calls based on a preset condition of the device in receiving calls/missed calls in case of in a public environment as taught by Bork (refer to col. 11/lines 13-26).

As for claims 2-4, Segal suggests “wherein the detected missed event is a missed call”; “the detected missed event is an unread message”; and “the detected missed event

is a missed alarm time”, i.e., a missed call occurs as the caller is busy or an unread message occurs as the caller does not expect the call and does not activate the flip phone, or the caller does not activate an alert message or voice messages to him (page 15/sections 0179 to 0187).

As for claim 5, in further view of claim 1, Segal further discloses “wherein the first and second portions are foldably coupled with each other, the operation including at least partially unfolding the first portion from the second portion” (Figs. 6-7, and page 7/section 0118).

Regarding claims 7-10 and 12, these claims for “a communication apparatus having a first portion, a second portion and a sound-emitting unit, the communication apparatus comprising: a first detector configured to detect an operation to at least partially separate the first portion from the second portion; a second detector configured to detect a missed event in the apparatus; and a controller coupled to the first and second detectors and configured to activate the vibrator responsive to the first detector detecting the operation if the second detector has detected the missed event” with same limitations as addressed above are rejected for the reasons given in the scope of claims 1-4 and 6 as already discussed above. Applicant argues that Segal does not provide a second detector for detecting a missed event and activating a vibrator; however, Bork teaches this same technique as Bork provides a second detector for detecting a missed event, i.e., a missed call, and the device activates the vibrator due to this missed event (Figs. 1a & 1b, and col. 2/line 66 to col. 3/line 8 & col. 4/line 53 to col. 5/line 4 as missed calls are notified to the user in the vibration mode). Therefore, it would have been obvious to one of ordinary

skill in the art to modify Segal's system with Bork's teaching technique in detecting or monitoring the receiving circuitry for a missed call, the vibrator is activated for the missed call in addition to other audio alerts for incoming calls based on a preset condition of the device in receiving calls/missed calls in case of in a public environment as taught by Bork (refer to col. 11/lines 13-26).

Regarding claims 13-16 and 18-21, these claims for "a method in a communication apparatus having a first portion, a second portion, and a vibrator, the method comprising the steps of: detecting a missed event in the apparatus; detecting an operation to at least partially separate the first portion from the second portion; and controlling the vibrator responsive to the operation if the missed event has been detected" with same limitations as addressed above are rejected for the reasons given in the scope of claims 1-4 and 6 as already discussed above. Applicant argues that Segal does not provide a second detector for detecting a missed event and activating a vibrator; however, Bork teaches this same technique as Bork provides a second detector for detecting a missed event, i.e., a missed call, and the device activates the vibrator due to this missed event (Figs. 1a & 1b, and col. 2/line 66 to col. 3/line 8 & col. 4/line 53 to col. 5/line 4 as missed calls are notified to the user in the vibration mode). Therefore, it would have been obvious to one of ordinary skill in the art to modify Segal's system with Bork's teaching technique in detecting or monitoring the receiving circuitry for a missed call, the vibrator is activated for the missed call in addition to other audio alerts for incoming calls based on a preset condition of the device in receiving calls/missed calls in case of in a public environment as taught by Bork (refer to col. 11/lines 13-26).

Regarding claims 23-34 and 37-38, these claims for “a controller for use in a communication apparatus, the communication apparatus having a first portion, a second portion and a vibrator, the controller comprising: a first detector configured to detect an operation to at least partially separate the first portion from the second portion; a second detector configured to detect a missed event in the apparatus; and wherein the controller coupled to the first detector and second detector and configured to activate the vibrator responsive to the first detector detecting the operation if the second detector has detected the missed event” and a corresponding communication apparatus with same limitations as addressed above are rejected for the reasons given in the scope of claims 1-4 and 6 in view of Segal and Bork as already discussed above. With Bork teaches on the standby mode and no incoming calls at the time the vibrator respond to the first detector detecting the operation (Bork, col. 10/lines 327-53).

5. Claims 5, 11, 17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segal (U.S. Patent Pub 2001/0000505 A1) in view of Bork as in claims 1, 7, 13, and 18 above and in further view of Perry et al. (US Patent 6,160,489).

Regarding claims 5, 11, 17 and 22, Segal further mention “comprising a memory controller” (Fig. 5) but not “configured to store a vibrating pattern, the controller further coupled to the configured to control the vibrator in accordance with the vibrating pattern” and “sound patterns”; however, Perry teaches a wireless communication device having distinctive tactile alert patterns including vibrating patterns and sound patterns to alert the user in different situations (Perry, Figs. 2-3, and col. 2/lines 12-47 and col. 4/line 16 to

col. 5/line 60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Segal and Bork's apparatus with Perry's teaching technique of providing distinctive tactile alert patterns including vibrating patterns and sound patterns in order to alert the user in different situations in environments as the ambient noise level either very low or very high as suggested by Perry.

***Conclusion***

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

**7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TONY T. NGUYEN  
PATENT EXAMINER**

Tony T. Nguyen  
Art Unit 2685  
February 3, 2006